

1 reason would find it debatable whether the petition states a valid claim of
2 the denial of a constitutional right and that jurists of reason would find it
debatable whether the district court was correct in its procedural ruling.

3 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also James v. Giles*, 221 F.3d 1074, 1077-79
4 (9th Cir. 2000). The court finds that petitioner has not met this standard.

5 Petitioner sought appointment of counsel to assist him in preparing and litigating his federal
6 habeas corpus action. (docket #7). That motion was granted and a member of the CJA panel accepted
7 the appointment. Thereafter, counsel filed an amended petition (docket #21), raising some sixteen
8 grounds for relief. Petitioner signed the requisite verification of that amended petition. *Id.*

9 Petitioner then moved the court for appointment of new counsel or for leave to dismiss counsel
10 and proceed with his *pro se* petition, contending that counsel had misrepresented facts and missed
11 claims. *See* motions (dockets #24, #26, and #32). These motions were denied, the court having
12 concluded that petitioner had adopted the amended petition with his verification and that to dismiss
13 counsel would be a waste of judicial resources. Petitioner now seeks to appeal the denial of his motions
14 to dismiss counsel.

15 Because there is no right to the assistance of counsel on post-conviction or habeas corpus review
16 *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993),
17 there is no right to the effective assistance of counsel for those proceedings. *Evitts v. Lucey*, 469 U.S.
18 387 (1985); *Knaubert v. Goldsmith*, 971 F.2d 722, 729 (9th Cir. 1986). Thus, petitioner has not made
19 a substantial showing of the denial of a constitutional right. To terminate counsel at this juncture and
20 require respondents to respond to petitioner's original, handwritten petition would waste resources of
21 the court, including time and money.

22 **IT IS THEREFORE ORDERED** that petitioner's application for issuance of a certificate of
23 appealability (docket #39) is **DENIED**.

24 Dated this 13th day of February, 2006.



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27 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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